

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

EARL K. MOSLEY, JR.,

Petitioner,

v.

COMMONWEALTH OF PENNSYLVANIA
ET AL.,

Respondents,

CIVIL ACTION NO. 16-1061

HON. NORA BARRY FISCHER

ORDER OF COURT

AND NOW, this 8th day of December, 2016, after Petitioner Earl K. Mosley, Jr. filed a petition for writ of habeas corpus in the above-captioned matter, and after a Report and Recommendation was filed by United States Magistrate Judge Lisa Pupo Lenihan giving Petitioner until December 9, 2016, to file written objections thereto, and Petitioner having filed objections, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation [6], which is ADOPTED as the opinion of this Court,¹

IT IS HEREBY ORDERED that the petition for writ of habeas corpus is DENIED, and a Certificate of Appealability is DENIED. The motion for an expedited ruling regarding the petition for writ of habeas corpus [4] is DENIED as moot. The Clerk of Court shall mark this CASE CLOSED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court,

¹ The Court will disregard its Order requiring Respondents to file a response to Petitioner's Objections, (*see* Docket No. 8), as Magistrate Judge Lenihan's Report and Recommendation was issued preservice.

at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

s/Nora Barry Fischer
Nora Barry Fischer
United States District Judge

cc: Honorable Lisa Pupo Lenihan
United States Magistrate Judge

Earl K. Mosley, Jr.
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